

REMARKS

Reconsideration of the present application is respectfully requested in view of the following remarks. Prior to entry of this response, Claims 1-21 were pending in the application, of which Claims 1, 13, and 17 are independent. In the Final Office Action dated December 7, 2009, Claims 1-21 were rejected under 35 U.S.C. § 103(a). Following this response, Claims 1-21 remain in this application. Applicants hereby address the Examiner's rejections in turn.

I. **Rejection of the Claims Under 35 U.S.C. § 103(a)**

In the Final Office Action dated December 7, 2009, the Examiner rejected Claims 1-21 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,807,566 ("*Bates*") in view of U.S. Patent No. 6,757,713 ("*Ogilvie*"). Claims 1, 13, and 17 have been amended, and Applicants respectfully submit that the amendments overcome this rejection and add no new matter.

Amended Claim 1 is patentably distinguishable over the cited reference for at least the reason that it recites, for example, "wherein providing the message to the at least one user comprises providing, to the at least one user, a first selection operative to indicate, upon selection, a positive response, and a second selection operative to indicate, upon selection, a negative response." Amended Claims 13 and 17 each include a similar recitation. Support for this amendment can be found in the specification at least in paragraph [0034].

In contrast, *Bates* does not disclose providing a user with a message requesting a post rating, much less user selections within the message indicative of the post rating. For example, *Bates* merely discloses that, in response to a determination that an event is associated with an electronic message post on an electronic message board, an initial message rating associated with the electronic message post is established. (See *Bates* col. 6, lines 8-12.) In *Bates*, the initial message rating is dependent on a user rating established within the electronic message post. (See *Bates* col. 6, lines 12-15; Figure 2.) Consequently, because a message rating in *Bates* is already provided within an electronic message post, *Bates* has no motivation to further message a user for a post rating. Rather, *Bates* discloses that electronic message posts already comprise a user rating and, consequently, fails to disclose requesting a user for a post rating with user selections operative to indicate the post rating.

Furthermore, *Ogilvie* does not overcome *Bates*' deficiencies. For example, *Ogilvie* merely discloses self-removing email messages that are encrypted with conventional tools and techniques. (See *Ogilvie* col. 2, lines 47-48.) Nowhere does *Ogilvie* disclose providing a user with a message requesting a post rating, much less user selections within the message indicative of the post rating. Rather, *Ogilvie* merely discloses providing email message originators and distributors with default control over message removal at a message recipient's location. (See *Ogilvie* Abstract.)

Combining *Bates* with *Ogilvie* would not have led to the claimed subject matter because *Bates* and *Ogilvie*, either individually or in any reasonable combination, at least do not disclose "wherein providing the message to the at least one user comprises providing, to the at least one user, a first selection operative to indicate, upon selection,

a positive response, and a second selection operative to indicate, upon selection, a negative response," as recited by Claim 1. Amended Claims 13 and 17 each include a similar recitation. Accordingly, independent Claims 1, 13, and 17 each patentably distinguish the present invention over the cited reference, and Applicants respectfully request withdrawal of this rejection of Claims 1, 13, and 17.

Dependent Claims 2-12, 14-16, and 18-21 are also allowable at least for the reasons described above regarding independent Claims 1, 13, and 17, and by virtue of their respective dependencies upon independent Claims 1, 13, and 17. Accordingly, Applicants respectfully request withdrawal of this rejection of dependent Claims 2-12, 14-16, and 18-21.

II. Conclusion

In view of the foregoing, Applicants respectfully submit that the pending claims, as amended, are patentable over the cited references. The preceding arguments are based only on the arguments in the Official Action, and therefore do not address patentable aspects of the invention that were not addressed by the Examiner in the Official Action. The claims may include other elements that are not shown, taught, or suggested by the cited art. Accordingly, the preceding argument in favor of patentability is advanced without prejudice to other bases of patentability. Furthermore, the Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 13-2725.

Respectfully submitted,
MERCHANT & GOULD P.C.

P.O. Box 2903
Minneapolis, MN 55402-0903
404.954.5066

/D. Kent Stier/

Date: March 4, 2010

D. Kent Stier
Reg. No. 50,640

DKS:mdc

